<u>REMARKS</u>

Claims 1-22 are pending in the application. Claims 1-22 are rejected under 35 U.S.C. §102(e). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

I.   <u>REJECTIONS UNDER 35 U.S.C. § 102(e)</u>:

The Office Action has rejected claims 1-22 under 35 U.S.C. §102(e) as being anticipated by Trachewsky et al. (U.S. Patent Application No. 2001/0055311) (hereinafter "Trachewsky"). Applicants respectfully traverse these rejections for at least the reasons stated below and respectfully request that the Examiner reconsider and withdraw these rejections.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation <u>must</u> be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

Applicants respectfully assert that Trachewsky does not disclose "incrementing a backoff level counter in response to receiving backoff signal from another station on the network" as recited in claim 1 and similarly in claim 11. The Examiner cites paragraphs 160 and 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse and assert that Trachewsky instead discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increase its Backoff Level. [0168]. However, there is no language that discloses incrementing a backoff level counter <u>in response to receiving</u> <u>backoff signal</u> from another station on the network. Thus, Trachewsky does not disclose all of the limitations of claims 1 and 11, and thus Trachewsky does not anticipate claims 1 and 11. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "accessing the backoff level counter through the host media access controller such that collision resolution can be monitored without snooping signals over the network" as recited in

claim 1. The Examiner cites paragraphs 160 and 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 3. Applicants respectfully traverse. As stated above, Trachewsky instead discloses that after the winning station completes its transmission, all stations reduce their Backoff Level by one if it is greater than zero, and the new station(s) at Backoff Level 0 attempt transmission. [0168]. Trachewsky further discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increases its Backoff Level. [0168]. There is no language in Trachewsky that discloses accessing a backoff level counter through a host media access controller. Neither is there any language in Trachewsky that discloses accessing a backoff level counter through a host media access controller such that collision resolution can be monitored. Neither is there any language in Trachewsky that discloses accessing a backoff level counter through a host media access controller such that collision resolution can be monitored without snooping signals over the network. Thus, Trachewsky does not disclose all of the limitations of claim 1, and thus Trachewsky does not anticipate claim 1. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "accessing the backoff level counters from the host media access controller program to verify that collision resolution is operating as intended, thereby eliminating the need to snoop signals over the network" as recited in claim 11. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 6. Applicants respectfully traverse. As stated above, Trachewsky instead discloses that after the winning station completes its transmission, all stations reduce their Backoff Level by one if it is greater than zero, and the new station(s) at Backoff Level 0 attempt transmission. [0168]. Trachewsky further discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increases its Backoff Level. [0168]. There is no language in Trachewsky that discloses accessing backoff level counters through a host media access controller program. Neither is there any language in Trachewsky that discloses accessing backoff level counters through a host media access controller program to verify that collision resolution is operating as intended. Neither is there any language in Trachewsky that discloses accessing backoff level counters through a host media access controller program to verify that

collision resolution is operating as intended thereby eliminating the need to snoop signals over the network. Thus, Trachewsky does not disclose all of the limitations of claim 11, and thus Trachewsky does not anticipate claim 11. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "wherein each station comprises, a control chip for implementing a home phoneline network alliance specification, the control chip including, a plurality of backoff level registers accessible by the host media access controller program" as recited in claim 16. The Examiner cites Figures 4a and 30 and paragraphs 161 and 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 6. Applicants respectfully traverse and assert that Trachewsky instead discloses a controller that is a fully integrated MAC/PHY device that transmits and receives data. [0116]. Trachewsky further discloses a transceiver functional block diagram that includes MAC functionality (element 1000 in Figure 30). [0161]. Trachewsky further discloses that after the winning station completes its transmission, all stations reduce their Backoff Level by one if it is greater than zero, and the new station(s) at Backoff Level 0 attempt transmission. [0168]. Trachewsky further discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increases its Backoff Level. [0168]. There is no language in the cited passages or element in the cited Figures of Trachewsky that discloses a station that includes a control chip that includes a plurality of backoff level registers. There were no registers identified in either controller 300 of Figure 4A or in element 1000 of Figure 30. Applicants respectfully request the Examiner to particularly point out in the cited Figures where the Examiner alleges that Trachewsky discloses a station that includes a control chip that includes a plurality of backoff level registers pursuant to 37 C.F.R. §1.104(c)(2). Neither is there any language in the cited passages or element in the cited Figures of Trachewsky that discloses a station that includes a control chip that includes a plurality of backoff level registers accessible by the host media access controller program. Thus, Trachewsky does not disclose all of the limitations of claim 16, and thus Trachewsky does not anticipate claim 16. M.P.E.P. §2131

Applicants further assert that Trachewsky does not disclose "incrementing the backoff level counter when a backoff signal is received from another station on the network" as recited in claim 16. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 7. Applicants respectfully traverse and assert that Trachewsky instead discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increase its Backoff Level. However, there is no language that discloses incrementing the first backoff level counter <u>in response to receiving backoff signal</u> from another station on the network. Thus, Trachewsky does not disclose all of the limitations of claim 16, and thus Trachewsky does not anticipate claim 16. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "a host media access controller program in communication with the MAC for accessing the backoff level counter to verify that collision detection and resolution are operating, thereby eliminating the need to snoop signals over the home network" as recited in claim 16. The Examiner cites Figure 4a and paragraph 160 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 7. Applicants respectfully traverse. Figure 4A discloses a controller that is a fully integrated MAC/PHY device that transmits and receives data. [0116]. However, Figure 4a of Trachewsky does not disclose a host media access controller program that is in communication with the MAC. Furthermore, Trachewsky instead discloses a carrier sense multiple access/collision detect (CSMA/CD) media access method by which two or more stations share a common transmission channel. [0160]. There is no element in Figure 4a and there is no language in the cited passage that discloses a host media access controller program that is in communication with the MAC. Neither is there any element in Figure 4a or language in the cited passage that discloses a host media access controller program that is in communication with the MAC for accessing the backoff level counter to verify that collision detection and resolution are operating. Neither is there any element in Figure 4a or language in the cited passage that discloses a host media access controller program that is in communication with the MAC for accessing the backoff level counter to verify that collision detection and resolution are operating, thereby eliminating the need to snoop signals over the home

network. Thus, Trachewsky does not disclose all of the limitations of claim 16, and thus Trachewsky does not anticipate claim 16. M.P.E.P. §2131

       Applicants further assert that Trachewsky does not disclose "maintaining a first and second backoff level counters for each of the priority slots" as recited in claim 22. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 8. Applicants respectfully traverse and assert that Trachewsky instead discloses that each station maintains eight Backoff Level (BL) counters, one for each priority. [0168]. Hence, Trachewsky does not disclose a first and second backoff levels counters for each of the priority slots. Thus, Trachewsky does not disclose all of the limitations of claim 22, and thus Trachewsky does not anticipate claim 22. M.P.E.P. §2131.

       Applicants further assert that Trachewsky does not disclose "initializing the first and second backoff level counters to zero after a reset" as recited in claim 22. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 8. Applicants respectfully traverse. As stated above, Trachewsky instead discloses that each station maintains eight Backoff Level (BL) counters, one for each priority. [0168]. Hence, as stated above, Trachewsky does not disclose a first and second backoff levels counters for each of the priority slots. Neither does Trachewsky disclose initializing the first and second backoff level counters to zero. Neither does Trachewsky disclose initializing the first and second backoff level counters to zero after a reset. Thus, Trachewsky does not disclose all of the limitations of claim 22, and thus Trachewsky does not anticipate claim 22. M.P.E.P. §2131.

       Applicants further assert that Trachewsky does not disclose "when a conflict is detected, randomly choosing a backoff level signal slot and transmitting a backoff signal in that slot" as recited in claim 22. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 8. Applicants respectfully traverse and assert that Trachewsky instead discloses that a distributed collision resolution (CR) algorithm is run which results in stations

becoming ordered into Backoff Levels where only one station is at Backoff Level 0 and can therefore acquire the channel. [0168]. There is no language in the cited passage that discloses that <u>when a conflict is detected</u> that a <u>backoff level signal slot is randomly chosen</u>. Neither is there any language in the cited passage that discloses that when a conflict is detected that a backoff level signal slot is randomly chosen and a backoff signal is transmitted in that slot. Thus, Trachewsky does not disclose all of the limitations of claim 22, and thus Trachewsky does not anticipate claim 22. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "incrementing the first backoff level counter in response to receiving backoff signal from another station on the network to indicate a total number of backoff signals received" as recited in claim 22. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 8. Applicants respectfully traverse and assert that Trachewsky instead discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increase its Backoff Level. However, there is no language that discloses incrementing the first backoff level counter <u>in response to receiving backoff signal</u> from another station on the network. Neither is there any language in Trachewsky that discloses that a backoff level counter is incremented to <u>indicate a total number of backoff signals received.</u> Thus, Trachewsky does not disclose all of the limitations of claim 22, and thus Trachewsky does not anticipate claim 22. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "in response to detecting a backoff signal in a slot prior to the backoff level signal slot chosen, increasing the backoff level by incrementing the second backoff level counter" as recited in claim 22. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 9. Applicants respectfully traverse. Trachewsky instead discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increase its Backoff Level. However, as stated above, Trachewsky does not disclose both a first and a second backoff level counter. Neither does Trachewsky disclose <u>incrementing a second backoff level counter</u> in

response to detecting a backoff signal in a slot prior to the backoff level signal slot chosen. Thus, Trachewsky does not disclose all of the limitations of claim 22, and thus Trachewsky does not anticipate claim 22. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "when any station successfully transmits a frame, reducing the backoff level by one by decrementing the second backoff level counter if it is greater than zero" as recited in claim 22. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 9. Applicants respectfully traverse. As stated above, Trachewsky does not disclose both a first and a second backoff level counter. Hence, Trachewsky doses not disclose decrementing by one a second backoff level counter if it is greater than zero when any station successfully transmits a frame. Thus, Trachewsky does not disclose all of the limitations of claim 22, and thus Trachewsky does not anticipate claim 22. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "when the second backoff level counter reaches zero, transmitting the frame over the network" as recited in claim 22. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 9. Applicants respectfully traverse. As stated above, Trachewsky does not disclose both a first and a second backoff level counter. Hence, Trachewsky doses not disclose that when the second backoff level counter reaches zero, a frame is transmitted over the network. Thus, Trachewsky does not disclose all of the limitations of claim 22, and thus Trachewsky does not anticipate claim 22. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "monitoring and diagnosing the home network by reading first and second backoff level counters through the host media access controller program to verify that collision detection and resolution are operating as needed, thus eliminating the need to snoop signals over the network" as recited in claim 22. The Examiner cites paragraphs 160 and 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 9. The Examiner cites Figure 4a and paragraph 160 of Trachewsky as disclosing the above-

cited claim limitation. Paper No. 3, page 7. Applicants respectfully traverse. Trachewsky instead discloses a carrier sense multiple access/collision detect (CSMA/CD) media access method by which two or more stations share a common transmission channel. [0160]. Trachewsky further discloses that after the winning station completes its transmission, all stations reduce their Backoff Level by one if it is greater than zero, and the new station(s) at Backoff Level 0 attempt transmission. [0168]. Trachewsky further discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increases its Backoff Level. [0168]. There is no language in the cited passages that discloses monitoring and diagnosing the home network by reading first and second backoff level counters. Neither is there any language in the cited passages that discloses monitoring and diagnosing the home network by reading first and second backoff level counters through a host media access controller program. Neither is there any language in the cited passages that discloses monitoring and diagnosing the home network by reading first and second backoff level counters through a host media access controller program to verify that collision detection and resolution are operating as intended. Neither is there any language in the cited passages that discloses monitoring and diagnosing the home network by reading first and second backoff level counters through a host media access controller program to verify that collision detection and resolution are operating as intended thereby eliminating the need to snoop signals over the network. Thus, Trachewsky does not disclose all of the limitations of claim 22, and thus Trachewsky does not anticipate claim 22. M.P.E.P. §2131.

Claims 2-10 recite the combinations of claim 1 and thus are not anticipated for at least the above-stated reasons as to why claim 1 is not anticipated by Trachewsky. Further, claims 12-15 recite the combinations of claim 11 and thus are not anticipated for at least the above-stated reasons as to why claim 11 is not anticipated by Trachewsky. Further, claims 17-21 recite the combinations of claim 16 and thus are not anticipated for at least the above-stated reasons as to why claim 16 is not anticipated by Trachewsky. Claims 2-10, 12-15 and 17-21 recite additional features, which, in combination with the features of the claims upon which they depend are not anticipated by Trachewsky.

For example, Trachewsky does not disclose "maintaining a first and second backoff level counters for each of the priority slots" as recited in claim 4 and similarly in claim 12. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 4. Applicants respectfully traverse and assert that Trachewsky instead discloses that each station maintains eight Backoff Level (BL) counters, <u>one for each priority</u>. [0168]. Hence, Trachewsky does not disclose a first and second backoff levels counters for each of the priority slots. Thus, Trachewsky does not disclose all of the limitations of claims 4 and 12, and thus Trachewsky does not anticipate claims 4 and 12. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "initializing the first and second backoff level counters to zero after a reset" as recited in claim 5. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 4. Applicants respectfully traverse. As stated above, Trachewsky instead discloses that each station maintains eight Backoff Level (BL) counters, <u>one for each priority</u>. [0168]. Hence, as stated above, Trachewsky does not disclose a first and second backoff levels counters for each of the priority slots. Neither does Trachewsky disclose initializing the first and second backoff level counters to zero. Neither does Trachewsky disclose initializing the first and second backoff level counters to zero after a reset. Thus, Trachewsky does not disclose all of the limitations of claim 5, and thus Trachewsky does not anticipate claim 5. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "incrementing the first backoff level counter in response to receiving backoff signal from another station on the network" as recited in claim 7 and similarly in claim 13. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 4. Applicants respectfully traverse and assert that Trachewsky instead discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increase its Backoff Level. However, there is no language that discloses

incrementing the first backoff level counter <u>in response to receiving backoff signal</u> from another station on the network. Thus, Trachewsky does not disclose all of the limitations of claims 7 and 13, and thus Trachewsky does not anticipate claims 7 and 13. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "in response to detecting a backoff signal in a slot prior to the backoff level signal slot chosen, increasing the backoff level by incrementing the second backoff level counter" as recited in claim 8 and similarly in claim 14. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 4. Applicants respectfully traverse. Trachewsky instead discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increase its Backoff Level. However, as stated above, Trachewsky does not disclose both a first and a second backoff level counter. Neither does Trachewsky disclose <u>incrementing a second backoff level counter</u> in response to detecting a backoff signal in a slot prior to the backoff level signal slot chosen. Thus, Trachewsky does not disclose all of the limitations of claims 8 and 14, and thus Trachewsky does not anticipate claims 8 and 14. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "when any station successfully transmits a frame, reducing the backoff level by one by decrementing the second backoff level counter if it is greater than zero and when the second backoff level counter reaches zero, transmitting the frame over the network " as recited in claim 9 and similarly in claim 15. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 5. Applicants respectfully traverse. As stated above, Trachewsky does not disclose both a first and a second backoff level counter. Hence, Trachewsky doses not disclose decrementing by one a second backoff level counter if it is greater than zero when any station successfully transmits a frame. Neither does Trachewsky disclose that when the second backoff level counter reaches zero, a frame is transmitted over the network. Thus, Trachewsky does not disclose all of the limitations of claims 9 and 15, and thus Trachewsky does not anticipate claims 9 and 15. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "maintaining the first and second backoff level counters as 4-bit register type memories in the MAC" as recited in claim 10. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 5. Applicants respectfully traverse. As stated above, Trachewsky instead discloses that after the winning station completes its transmission, all stations reduce their Backoff Level by one if it is greater than zero, and the new station(s) at Backoff Level 0 attempt transmission. [0168]. Trachewsky further discloses that if an active station sees a Backoff Signal in a slot prior to the one it chose, it increases its Backoff Level. [0168]. There is no language in the cited passage that teaches maintaining a first and a second backoff level counters as 4-bit register type memories. Neither is there any language in the cited passage that teaches maintaining a first and a second backoff level counter as 4-bit register type memories in the MAC. Thus, Trachewsky does not disclose all of the limitations of claim 10, and thus Trachewsky does not anticipate claim 10. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "wherein there are three backoff levels" as recited in claim 18. The Examiner cites paragraph 163 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 7. Applicants respectfully traverse and assert that Trachewsky instead discloses a valid collision fragment at the transmitter wire interface. [0163]. There is no language in the cited passage regarding backoff levels. Neither is there any language in the cited passages that discloses three backoff levels. Thus, Trachewsky does not disclose all of the limitations of claim 18, and thus Trachewsky does not anticipate claim 18. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "wherein the MAC includes one maximum backoff level counter and one backoff level counter for each of the priority levels" as recited in claim 19. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 7. Applicants respectfully traverse and assert that Trachewsky instead discloses that each station maintains eight Backoff Level (BL) counters, one for each priority.

[0168]. There is no language in the cited passage that a MAC includes a <u>maximum</u> <u>backoff level counter</u> in addition to a backoff level counter for each of the priority levels. Thus, Trachewsky does not disclose all of the limitations of claim 19, and thus Trachewsky does not anticipate claim 19. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "wherein the maximum backoff level counter indicates a number of backoff level signals received over the home network, and wherein the backoff level counter indicates the backoff level of the corresponding station" as recited in claim 20. The Examiner cites paragraph 168 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 8. Applicants respectfully traverse. As stated above, Trachewsky instead discloses that that each station maintains eight Backoff Level (BL) counters, one for each priority. [0168]. As stated above, there is no language in the cited passage that a MAC includes a <u>maximum backoff level counter</u> in addition to a backoff level counter for each of the priority levels. Neither is there any language in Trachewsky that discloses a maximum backoff level counter that indicates a number of backoff level signals received over the home network. Thus, Trachewsky does not disclose all of the limitations of claim 20, and thus Trachewsky does not anticipate claim 20. M.P.E.P. §2131.

Applicants further assert that Trachewsky does not disclose "wherein the maximum backoff level counter and the backoff level counter are part of the MAC" as recited in claim 21. The Examiner cites paragraph block 1000 in Figure 30 and paragraph 161 of Trachewsky as disclosing the above-cited claim limitation. Paper No. 3, page 8. Applicants respectfully traverse. For at least the reasons stated above, Trachewsky does not teach a maximum backoff level counter. Hence, Trachewsky does not disclose a maximum backoff level counter as part of a MAC. Thus, Trachewsky does not disclose all of the limitations of claim 21, and thus Trachewsky does not anticipate claim 21. M.P.E.P. §2131.

As a result of the foregoing, Applicants respectfully assert that not each and every claim limitation was found within Trachewsky, and thus claims 1-22 are not anticipated by Trachewsky.
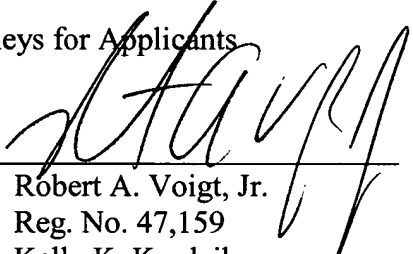
II.   CONCLUSION

As a result of the foregoing, it is asserted by Applicants that claims 1-22 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Applicants

By:_____
Robert A. Voigt, Jr.
Reg. No. 47,159
Kelly K. Kordzik
Reg. No. 36,571

P.O. Box 50784
Dallas, Texas 75270-2199
(512)370-2832

Austin_1 276476v.1